

441.520 Transfer of prisoners to secure jail -- Circuit Judge may order -- Agreement between originating jail and receiving jail -- Restrictions on receiving jail -- Transport by sheriff -- Review of transfer order by Circuit Judge.

- (1) As used in this section:
 - (a) "Originating jail" means a jail that has been ordered by the court to transfer prisoners to a receiving jail; and
 - (b) "Receiving jail" means a jail that has been ordered by the court to receive prisoners from an originating jail.
- (2)
 - (a) If there is danger or probable danger that any or all prisoners confined in a jail will be removed from the jail by violence, the Circuit Judge shall order the transfer of those prisoners to the jail of the nearest county in which the jail is secure and the prisoners can be safely kept. The order shall include evidence of the danger or probable danger to the prisoners. When any such order is made, and a copy is given to the jailer of the receiving jail, he or she shall receive all such prisoners. If a Circuit Judge is not in the county, the order of transfer may be made by a District Judge, who shall deliver the order, or a copy thereof, to the circuit clerk for revision by the Circuit Court.
 - (b) Except as provided in paragraph (a) of this subsection, before ordering the transfer of a prisoner from an originating jail to a receiving jail, a Circuit Judge shall receive a written agreement between the originating and receiving jails. The written agreement shall specify that the receiving jail has agreed to house the prisoner or prisoners and that the originating jail shall pay the prisoner's expenses in accordance with subsection (3)(a) and (b) of this section. If the Circuit Judge orders the transfer before receiving the written agreement, the receiving jail shall not be required to house the prisoner nor shall the receiving jail's jailer be subject to contempt for failing to obey the transfer order.
- (3) In the event a prisoner is transferred from an originating jail to a receiving jail, the receiving jail shall:
 - (a) Charge no more than three (3) times the per diem amount determined according to KRS 431.215(2). However, the per diem rate charged by the receiving jail shall not exceed the combined cost of the prisoner's room and board, administrative processing or booking, and any evidence-based programming the prisoner receives;
 - (b) Perform only medically necessary procedures on the prisoners, as determined by the receiving jail's medical provider. The originating jail shall be financially responsible for these medically necessary procedures. If a prisoner is sent out of the receiving jail for more than eight (8) hours for a medically necessary procedure, the originating jail shall be financially responsible for all receiving jail personnel costs related to the prisoner's transportation until the prisoner is returned to the receiving jail; and
 - (c) Be no more than two (2) geographically contiguous judicial districts away

from the originating jail.

- (4) The sheriff of the county of the originating jail shall be responsible for the transportation of any prisoners transferred pursuant to this section. For those prisoners transferred pursuant to subsection (2)(a) of this section, the sheriff shall transfer the prisoners in accordance with KRS 441.530(2)(a).
- (5) To ensure the ongoing safety and security of the prisoners, any Circuit Judge who orders the transfer of a prisoner from an originating jail to a receiving jail shall review his or her transfer orders every sixty (60) days, with input from the originating and receiving jails.

Effective: April 24, 2020

History: Amended 2020 Ky. Acts ch. 109, sec. 1, effective April 24, 2020. -- Amended 1982, Ky. Acts ch. 385, sec. 40, effective July 1, 1982. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 12, sec. 3, effective January 1, 1978; and ch. 14, sec. 458, effective January 2, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2238, 2239.

Formerly codified as KRS 441.030.